

were false and misleading in that they represented that the portion of the article contained in barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the portion of the article contained in the said barrels was vinegar and that the remainder thereof was pure apple vinegar and that the said bottles contained 1 pint and 9 fluid ounces of the said article, whereas, in truth and in fact, it was not vinegar or pure apple vinegar, as the case might be, but was a product consisting in part of excessive water, and the said bottles did not contain 1 pint and 9 fluid ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the bottled vinegar was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

At the April, 1924, term of the court a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12364. Adulteration and misbranding of canned oysters. U. S. v. 31 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18632. I. S. Nos. 20049-v, 20050-v, 20051-v, 20052-v. S. No. W-1506.)**

On May 1, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,124 cases of canned oysters remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Marine Products Co. (Inc.), from New Orleans, La., on or about March 18, 1924, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Darling Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs. Oysters" (or "Contents 8 Ozs. Oysters"). The remainder of the article was labeled in part: (Can) "Our Choice \* \* \* Oysters \* \* \* Contents 5 Oz." (or "Contents 10 Oz.").

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that certain statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the drained weight of oysters contained in the cans was less than that stated on the respective labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 21, 1924, the Marine Products Co., New Orleans, La., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the article be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12365. Misbranding of butter. U. S. v. 16 Cases and 13 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18552, 18560. I. S. Nos. 5987-v, 5988-v. S. Nos. C-4330, C-4332.)**

On April 14, 1924, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 29 cases of butter remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Ozark Creamery Co., Neosho, Mo., on or about April 7, 1924, and transported